

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8332 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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PETHAPUR NAGAR PANCHAYAT

Versus

CHAIRMAN

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Appearance:

MR RK MISHRA for Petitioner  
MR MD PANDYA for Respondent No. 1 & 2  
Mr.B.Y.Mankad, learned A.G.P. for respondent No.3

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CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 05/03/99

ORAL JUDGEMENT

Rule. Mr. M.D.Pandya waives service of rule on behalf of respondents Nos.1 and 2 and Mr. Mankad, learned A.G.P. waives service of rule on behalf of respondent No.3. In the facts and circumstances of this case, the matter is taken up for final hearing today.

Mr. M.D.Pandya has produced a copy of the letter dt.6.12.97 sent by Mamlatdar, Gandhinagar to the Chief

Engineer, Gujarat Electricity Board in which it has been stated that the land of Pethapur Nagar Panchayat on the bank of river Sabarmati admeasuring 40 Acres is no more required by the GEB inasmuch as the work of dumping of the ash of the Power Station is over and that the possession of the same has been handed over back to the Government. The photo stat copy of the receipt in token of the handing over of the possession to the Government has also been produced, which also bears the signatures of the present petitioner on its back dt.4.12.97.

Mr. Mankad appearing on behalf of the District Magistrate & Collector, Gandhinagar does not controvert this factual position and submits that the land in question admeasuring 40 Acres shall be restored back to the Pethapur Nagar Palika in accordance with law and the order dt. 24.12.91 passed by this court in Special Civil Application No.3702/90 shall be complied with in letter and spirit at the earliest possible opportunity but in no case later than 15.4.99 by the District Magistrate & Collector, Gandhinagar. This Special Civil Application is, therefore, allowed as above and the Rule is also made absolute in the terms as aforesaid. No order as to costs. Direct service is permitted.